UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,068	04/05/2001	Wilko Juurt Jan Kuiper	PTT-89/APP	7219

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EXAMINER
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ART UNIT	PAPER NUMBER
2124	3

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/827,068	KUIPER, WILKO JUURT JAN
	Examiner	Art Unit
	John Chavis	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 April 2001</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by

Jennings et al.

Claims	Jennings
1. A computer knowledge system, for operation in a computer environment using a plurality of hardware and software components operatively arranged for enabling a plurality of business processes, said computer knowledge system comprises:	See the Intro. and Sect. 1, specifically the last para. on pg. 32.
a monitoring agent, arranged for collecting data providing information about the operation of said hardware and software components;	See the IMM item in sect. 2.2.
a relational database, storing data providing information about the operation of said business processes and error data relating to erroneous operation of said hardware and software components; and	See the 2nd para. of sect. 2.
a user interface, arranged for providing information about the operation of said business processes using said data collected by said monitoring agent and said data stored in said relational database,	This feature is inherent to enable the constraints of fig. 2. See also the 1st para. of sect. 4.
said relational database being arranged	See the 2nd para of sect. 3.

for providing information towards said
user interface about the impact on the
operation of said business processes of
an erroneous operation of said hardware
and software components.

2. A computer knowledge system   See the 2nd para. on pg. 33 and
according to claim 1, wherein said   the 2nd para. of sect. 3.
relational database comprises data
identifying functional transactions
within said business processes and
dependencies between functional
transactions of said business processes,
wherein said user interface is arranged for
correlating said error data and said
functional transactions data for providing
 said information about the impact on
said business processes of an erroneous
operation of said hardware and software
components.

3. A computer knowledge system   See sect. 2.3
according to claim 2, wherein said user
interface is arranged for providing said
information about said business processes
indicating at least one of a group
comprising:

the extent to which business processes
are influenced by a disturbance in said
software and hardware components;

the extent to which business processes
are influenced by a functional error in
said hardware and software components;

the extent to which business processes
are influenced by a functional error in
said hardware and software components;

which functional error cannot directly be
monitored;

the extent to which business processes are

influenced by an externally applied
change, such as a predetermined change
for performing impact analyses, in said
hardware and software components; and

the extent to which business processes
are available in the case of an
erroneous operation of said hardware
and software components.

4. A computer knowledge system
according to claim 1, further comprising
a historical database, storing historical
data about erroneous operation of said
hardware and software components
and the impact thereof on said business
processes, wherein said user interface
is arranged for providing said
information about the impact on said
business processes of an erroneous
operation of said hardware and software
components using said historical data.

See the 2nd para. of sect. 4.

5. A computer knowledge system
according to claim 1, wherein said user
interface is arranged for providing said
information about the impact on the
operation of said business processes
of an erroneous operation of said
hardware and software components in
a predetermined format adapted to the

See the 4th para of sect. 3.

user of said information.

6. A computer knowledge system   See the last para. of sect. 3.
according to claim 1, wherein said
user interface is arranged for providing
said information about the impact on
said business processes of an
erroneous operation of said hardware
and software components in terms of
its impact on at least one of a group
comprising: functionality of the
business processes;

usability of the business processes;

maintainability of the business processes;

efficiency of the business processes;

reliability of the business processes; and

changeability of the business processes.

7. A computer knowledge system   See fig. 1, item CM of
according to claim 1, wherein said   resp. agent.
monitoring agent, said relational
database and said user interface
connect through a central agent.

8. A computer knowledge system
according to claim 1, wherein said
monitoring agent is arranged for
collecting information about the operation
of said hardware and software
components using at least one of a
group comprising: workflow data provided
by said computer environment;

system monitoring data; and

data accumulated in a data warehouse
of said computer environment.

See sect. 2.3

9. A computer knowledge system
according to claim 8, wherein said
monitoring agent comprises a knowledge
module, operating with a business flow
monitor and a component monitor for
collecting data providing information
about the operation of said business
processes and said hardware and
software components.

See the last para. of sect. 2.

10. A computer knowledge system
according to claim 9, wherein said
knowledge module is arranged for
collecting data with respect to at least
one of a group comprising:

See pg. 32, last 2 paras.

availability of critical components;

communications performance between
critical components;

critical messages in application and
system log files;

synthetic transaction from end user
view;

application and system processes;

database and critical table(s) data
availability; and

system resource availability and
performance.

11. A computer knowledge system   See sect. 4, para. 1.
according to claim 1, wherein said
user interface is arranged for providing
said information on an automated
basis comprising at least one of a
group including: a notification
message; a standard report;

an HTML page; and a trouble ticket.

12. A computer knowledge system according to claim 11, wherein said information towards said user interface is provided on a subscription basis.

Jennings does not specifically mention that his system provides for a subscription basis; however, the feature Is considered inherent via the example provided. The example, mentions a British Telecom customer, (see sect. 4) Which inherently is a subscriber of service (on a subscription basis).

13. A computer knowledge system according to claim 11, wherein said user interface is at least one of a group comprising: a computer screen;

a mobile telephone; a pager;

a fax; and a panel.

See fig. 3, specifically item VC(1-3).

14. A computer knowledge system according to claim 13, wherein said user interface forms part of said computer environment.

See fig. 3

15. A computer knowledge system according to claim 11, wherein said information towards said user interface is provided if said impact on the operation of said business processes exceeds a predetermined threshold

See the last 2 paras. of sect. 4.

value.

In reference to claims 16-21, see the rejection of claims 1-6 above.

As per claims 22-25, see the rejection of claims 1-4.

The features of claim 26 are taught via claim 6.

In reference to claims 27-28, see the rejection of claim 1 above.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Jennings (ACM ref.) as applied to claim 11 above, and further in view of Lewis & Frey

(IEEE ref.)

Assuming that there is a remote possibility that Jennings customers may not be

interpreted as subscribers, the feature is taught by Lewis in an analogous art to enable

varying degrees of service to specific customers (subscribers) by monitoring events that

occur on the system (hardware and software), see the first paragraph on the right hand

side of page 385. Therefore, it would have been obvious to a person of ordinary skill in

the art at the time of the invention to utilize Lewis'   subscriber based maintenance

system in Jennings system to ensure that error that may cause downtime is reduced for

the largest group of subscribers of a telecommunication network, see the last two

paragraphs of page 387.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John Chavis whose telephone number is (703) 305-

9665. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jc
September 16, 2004

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124